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225 Franklin Street
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Date April 1, 2003

To Examiner Ruth A. Davis
Art Unit 1651
U.S. Patent and Trademark Office (Patent)
Commissioner for Patents
Washington, DC 20231
Telephone: (703) 308-6310

FAX RECEIVED

APR 2 2003

GROUP 1600

Facsimile number 08415-00300001 / (703) 305-3014

From Jimmy Hao, Ph.D.

Re METHOD FOR CULTIVATION OF FILAMENTOUS FUNGI

Applicant: Wen-Teng Wu et al.

Application No.: 09/611,992

Filing Date: July 7, 2000

Country: United States

Your Ref.: 0470-5039-US

Our Ref.: 08415-003001

Number of pages
including this page 22

Message Further to our telephone conversation of March 31, 2003, enclosed please find a copy of the Petition to Withdraw Notice of Abandonment, as filed with the U.S. Patent and Trademark Office on March 17, 2003.

Thank you for your attention to this matter. Should you have any questions please don't hesitate to contact us.

NOTE: This facsimile is intended for the addressee only and may contain privileged or confidential information. If you have received this facsimile in error, please immediately call us collect at 617 542-5070 to arrange for its return. Thank you.



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Attorney's Docket No. 08415-003001	Express Mail Label No.	Mailing Date January 15, 2003
Application No. 09/611,992	Filing Date July 7, 2000	Attorney/Secretary Init JWH/dm
Title of the Invention METHOD FOR CULTIVATION OF FILAMENTOUS FUNGI		
Applicant Wen-Teng Wu et al.		
Enclosures Response to Office Action (14 pages) Petition for Three-Month Extension of Time (1 page) Check in the amount of \$465.00 Postcard		

FR FISH & RICHARDSON P.C.

158857

27 Franklin Street
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COMMISSIONER OF PATENTS AND TRADEMARKS

DATE

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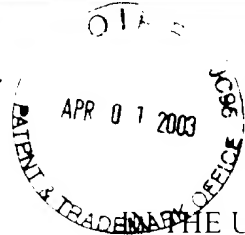


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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Wen-Teng Wu et al.

Art Unit : 1651

Serial No. : 09/611,992

Examiner : Ruth A. Davis

Filed : July 7, 2000

Title : METHOD FOR CULTIVATION OF FILAMENTOUS FUNGUS

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Commissioner for Patents
Washington, D.C. 20231

PETITION TO WITHDRAW NOTICE OF ABANDONMENT

Under 37 CFR §§1.8(b) and 1.181, applicants hereby petition to withdraw the Notice of Abandonment mailed March 20, 2003 (copy enclosed).

The undersigned, applicant's attorney of record, first became aware of the abandonment on March 24, 2003, upon receipt of the Notice of Abandonment and submits that this petition to withdraw the Notice is being promptly submitted as required by 37 CFR §1.8(b)(1).

The following documents are submitted under 37 CFR §1.8(b)(2) as proof that a Response was timely filed on January 15, 2003:

1. A copy of the Response to Office Action, including an executed certificate of mailing signed by Deborah R. Nast on January 15, 2003;
2. A copy of the Petition for Three Month Extension of Time, including an executed certificate of mailing signed by Deborah R. Nast on January 15, 2003, which extended the period for responding to the Office Action for three months, to and including January 16, 2003;
3. A copy of the check dated January 14, 2003 and postcard dated January 15, 2003 that were included with the response and Petition for Extension of Time; and
4. A copy of the postcard stamped received by the PTO Mailroom on January 22, 2003.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231

March 27, 2003

Date of Deposit

Signature

Deborah R. Nast

Typed or Printed Name of Person Signing Certificate

Applicant : Wen-Teng Wu et al.
Serial No. : 09 611,992
Filed : July 7, 2000
Page : 2

Attorney's Docket : 08415-003001 0470-5039-US

Applicants submit that the Response to the Office Action was timely filed and requests that the Notice of Abandonment be withdrawn.

Please apply any charges to Deposit Account No. 06-1050, referencing Attorney Docket No. 08415-003001.

Respectfully submitted,

Date: _____

3-27-4

Y. Rocky Tsao
Y. Rocky Tsao
Reg. No. 34,053

Fish & Richardson P.C.
225 Franklin Street
Boston, Massachusetts 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

YRT
JWH

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 611,992	07.07.2000	Wen-Teng Wu	08415/003001	6577

26161 7590 03/20/2003

FISH & RICHARDSON PC
225 FRANKLIN ST
BOSTON, MA 02110

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BOSTON OFFICE

EXAMINER

DAVIS, RUTH A

ART UNIT PAPER NUMBER

1651

DATE MAILED: 03/20/2003

17



Please find below and/or attached an Office communication concerning this application or proceeding.

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APR 03 2003

TECH CENTER 1600/2900

Entered By Practice System
Application Code: AB-PTOemv
Date: 3/20/03
Due Date: 5/20/03
Filing Date: 5/20/03
Attorney: Csb
Record: _____

Notice of Abandonment

Application No.

09/611,992

Examiner

Ruth A. Davis

Applicant(s)

WU ET AL

Art Unit

1651

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APR 03 2003

TECH. CENTER 1600/2300

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 7-16-2002.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

LEON LAWYER
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.